

1 BILL NO. G-80-07-19 AS AMENDED (*as amended*)

2 GENERAL ORDINANCE NO. G-~~80~~ 13-80

3 AN ORDINANCE amending Section 18-24

4 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
5 INDIANA:

6 Section 1. That Chapter 18 of the Code of the City of
7 Fort Wayne, Indiana of 1974 is hereby amended
8 by adding thereto a new section 18-24-B which shall read as
9 follows, to wit:

10
11 Section 18-24-B. Noise Vehicular

12 Section 18-24-B-1. Scope

13 This subsection shall apply to the control of all noise caused
14 by light motor vehicles and originating within the limits of
15 the City of Fort Wayne, Indiana.

16 Section 18-24-B-2. Definitions

17 For the purposes of this subsection, the following definitions
18 apply:

- 19 a. A-WEIGHTED SOUND LEVEL: The sound pressure level in
20 decibels as measured on a sound level meter using the
21 A-Weighting network. The level so read is designated
22 db (A) or dBA.
- 23 b. DECIBEL (db): A unit for measuring the volume of a
24 sound, equal to 20 times the logarithm to the base 10
25 of the ratio of the pressure of the sound measured to
26 the reference pressure, which is 20 micropascals
27 (20 micronewtons per square meter).
- 28 c. LIGHT-MOTOR VEHICLES: Any automobile, van, motorcycle,
29 motor driven cycle, motorscooter, dune buggy, snow-
30 mobile, all terrain vehicles, go carts, minibikes,
31 trail bikes, and trucks with gross vehicular weight
32 of less than 8,000 pounds.
- 33 d. MODIFIED AND DEFECTIVE EXHAUST SYSTEMS: An exhaust
34 system in which the original noise abatement devices
35 have been physically altered causing them to be less
36 effective in reducing noise as their original devices,
37 or devices have been added to the original noise
38 abatement devices such that noise levels are increased.
- 39 e. NOISE LEVEL: The A-Weighted sound level produced by a
40 motor vehicles.

- 1 f. PERSON: Any individual, association, partnership or
2 corporation which includes any officer, employee,
department, agency or instrumentality.
- 3 g. SOUND LEVEL METER: An instrument which includes a
4 microphone, amplifier, RMS detector, integrator or
5 time averager, output meter, and weighting networks
6 used to measure sound pressure levels. Such
7 instrument shall be used for measurement of the
8 intensity of sound and calibrated in decibels as
9 standardized by the American National Standards
10 Institute (ANSI). Readings shall be made on a db (A)
11 scale.
- 12 h. TRAFFIC NOISE: Sound made by a motor vehicle operated
13 either on the public right-of-way or private property.

14 All definitions and terminology used in this code not defined
15 above, shall be defined in conformance with, and applicable pub-
16 lication of the American National Standards Institute (ANSI),
17 or its successor body.

18 Section 18-24-B-3. Noise Limit

19 It shall be unlawful for any person to cause noise levels from
20 the operation or use of lightmotor vehicles in excess of 83 dB
21 (A) in any area within the corporate limits of the City of Fort
22 Wayne, Indiana, at any time. Such noise level limit shall be
23 measured on a distance of not less than fifteen (15) feet from
24 the noise source.

25 Section 18-24-B-4. Excessive Noise

26 It shall be unlawful for any person to operate, cause to oper-
27 ate or use a light motor vehicle such as to cause excessive
28 noise levels as a result of a defective or modified exhaust
29 system, or as a result of unnecessary rapid acceleration, de-
30 celeration, revving or tire squeal, or as the result of the
31 operation of audio devices such as but not limited to radios,
32 phonographs, and tape players on or from such vehicle.

Section 18-24-B-5. Exemptions

The following are exempted from the provisions of this section:

- 33 a. Sound emitted from sirens of authorized emergency
34 vehicles;
- 35 b. Lawnmowers, garden tractors, and similar home power
36 tools when properly muffled.
- 37 c. Burglar alarms on light motor vehicles of the elec-
38 tronic signaling type which transmit an audible
39 signal to a receiver which can be carried by the

owner or operator of the vehicle; and

- d. Celebrations on Halloween and legal holidays and celebrations in connection with duly authorized parades.

Section 18-24-B-6. Prosecution

- a. In any criminal prosecution for a violation of this Section, the Court may admit evidence of a noise level as tested by a sound level meter which meets or exceeds the American National Standards Institute (AMSI) specifications for type II equipment. A person shall be found guilty of violation of this Section for the emission of the excessive noise from or on any motor vehicle source in excess of the limitations established herein.

- b. It shall be unlawful for any person to violate the provisions of this Ordinance. Whenever any police officer makes an arrest for violation of this ordinance he shall take down the name, address, operator's license number and registration number of the vehicle if readily available and shall issue to the alleged violator in writing on the form provided by the City Clerk, a citation for a violation of this ordinance

Upon conviction of violation of this ordinance the violator shall be punished by a fine not less than Fifty (\$50.00) Dollars nor more than Two Hundred-Fifty (\$250.00) Dollars.

Section 18-24-7. Payment of Fines

All fines and penalties shall be payable to the Violations Bureau located in the Office of the City Clerk of Fort Wayne, Indiana.

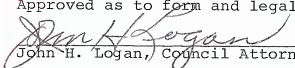
Section 18-24-8. Severability

If any provision of this ordinance is held to be unconstitutional or otherwise invalidated by a court of competent jurisdiction, the remaining portions of the ordinance shall not be invalidated.

Section 3. This ordinance shall be in full force and effect thirty days from and after its passage, approval by the Mayor and legal publication thereof.

Councilman

Approved as to form and legality


John H. Logan, Council Attorney

GENERAL ORDINANCE NO. G-80

AN ORDINANCE amending Section 18-24.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Chapter 18 of the Code of the City of Fort Wayne, Indiana of 1974 is hereby amended by repealing paragraphs 2 and 6 and sub-sections a,b, and c, and by adding thereto a new section 18-24-B which shall be recorded as follows, to wit:

Section 18-24-B. Noise Vehicular

Section 18-24-B-1. Scope

This subsection shall apply to the control of all noise caused by light motor vehicles and originating within the limits of the City of Fort Wayne, Indiana.

Section 18-24-B-2. Definitions

For the purposes of this subsection, the following definitions apply:

- a. A-WEIGHTED SOUND LEVEL: The sound pressure level in decibels as measured on a sound level meter using the A-Weighting network. The level so read is designated db (A) or dBA.
- b. DECIBEL (db): A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
- c. LIGHT MOTOR VEHICLES: Any automobile, van, motorcycle, motor driven cycle, motorscooter, dune buggy, snowmobile, all terrain vehicles, go carts, minibikes, trail bikes, and trucks with gross vehicular weight of less than 8,000 pounds.
- d. MODIFIED AND DEFECTIVE EXHAUST SYSTEMS: An exhaust system in which the original noise abatement devices have been physically altered causing them to be less effective in reducing noise, or the original noise abatement devices which are not as effective in reducing noise as their original devices, or devices have been added to the original noise abatement devices such that noise levels are increased.
- e. NOISE LEVEL: The A-Weighted sound level produced by a motor vehicle.
- f. PERSON: Any individual, association, partnership or corporation which includes any officer, employee, department, agency or instrumentality.
- g. SOUND LEVEL METER: An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. Such instrument shall be used for measurement of the intensity of sound and calibrated in decibels as standardized by the American National Standards Institute (ANSI). Readings shall be made on a db (A) scale.

- h. TRAFFIC NOISE: Sound made by a motor vehicle operated either on the public right-of-way or private property.

All definitions and terminology used in this code not defined above, shall be defined in conformance with, and applicable publication of the American National Standards Institute (ANSI), or its successor body.

Section 18-24-B-3. Noise Limit

It shall be unlawful for any person to cause noise levels from the operation or use of light motor vehicles in excess of 80 dB (A) in any area within the corporate limits of the City of Fort Wayne, Indiana, at any time. Such noise level limit shall be measured on a distance of not less than fifteen (15) feet from the noise source.

Section 18-24-B-4. Excessive Noise

It shall be unlawful for any person to operate, cause to operate or use a light motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal, or as the result of the operation of audio devices such as but not limited to radios, phonographs, and tape players on or from such vehicle.

Section 18-24-B-5. Exemptions

The following are exempted from the provisions of this section:

- a. Sound emitted from sirens of authorized emergency vehicles;
- b. Lawnmowers, garden tractors, and similar home power tools when properly muffled, for up to two (2) hours per day between the hours of 8 A.M. and 8 P.M.
- c. Burglar alarms on light motor vehicles of the electronic signaling type which transmit a non-audible signal to a receiver which can be carried by the owner or operator of the vehicle; and
- d. Celebrations on Halloween and legal holidays and celebrations in connection with duly authorized parades.

Section 18-24-B-6. Prosecution

- a. In any criminal prosecution for a violation of this Section, the Court may admit evidence of a noise level as tested by any sound level meter which meets or exceeds the American National Standards Institute (ANSI) specifications for type II equipment. A person shall be found guilty of violation of this Section for the emission of the excessive noise from or on any motor vehicle source in excess of the limitations established herein.
- b. It shall be unlawful for any person to violate the provisions of this section. Any person convicted of such a violation shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars.

Section 18-24-B-7. Severability

That if any provision of this ordinance is held to be unconstitutional or otherwise invalidated by a court of competent jurisdiction, the remaining portions of the ordinance shall not be invalidated.

Section 2. That section 18-24 of the Code of the City of Fort Wayne, Indiana is hereby renumbered and reentitled.

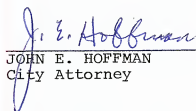
Section 18-24-A. Noise General

Section 3. That the record and those unnumbered subparagraphs of Section 18-24 of the Code of the City of Fort Wayne, Indiana of 1974 are hereby repealed.

Section 4. That this ordinance shall be in full force and effect from and after its passing and approval by the Mayor.


COUNCILMAN

APPROVED AS TO FORM AND
LEGALITY JULY 3, 1980.


JOHN E. HOFFMAN
City Attorney

Read the first time in full and on motion by E. Stark, seconded by J. Burns, and duly adopted, read the second time by title and referred to the Committee Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on July, the 7th, 1980, at 7 o'clock M., E.S.T.

DATE: 7-8-80

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by E. Stark, seconded by J. Burns, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>9</u>	<u>0</u>			
BURNS	<u>X</u>				
EISBART	<u>X</u>				
GiaQUINTA	<u>X</u>				
NUCKOLS	<u>X</u>				
SCHMIDT, D.	<u>X</u>				
SCHMIDT, V.	<u>X</u>				
SCHOMBURG	<u>X</u>				
STIER	<u>X</u>				
TALARICO	<u>X</u>				

DATE: 7-22-80

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING-MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. D-13-80 on the 22nd day of July, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Vivian A. Schmitz
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of July, 1980, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 24th day of July, 1980, at the hour of 2 o'clock P. M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

owner or operator of the vehicle; and

- d. Celebrations on Halloween and legal holidays and celebrations in connection with duly authorized parades.

Section 18-24-B-6. Prosecution

- a. In any criminal prosecution for a violation of this Section, the Court may admit evidence of a noise level as tested by an sound level meter which meets or exceeds the American National Standards Institute (AMSI) specifications for type II equipment. A person shall be found guilty of violation of this Section for the emission of the excessive noise from or on any motor vehicle source in excess of the limitations established herein.
- b. It shall be unlawful for any person to violate the provisions of this Ordinance. Whenever any police officer makes an arrest for violation of this ordinance he shall take down the name, address, operator's license number and registration number of the vehicle if readily available and shall issue to the the alleged violator in writing on the form provided by the City Clerk. (A citation that the alleged violator shall have a period of seven (7) days from the issuance of such written notice to remedy the source of the excessive noise and have such noise source as so remedied inspected at the Police Garage of the City of Fort Wayne, Indiana by a duly authorized person.) Failure to comply with said citation shall render such person guilty of a violation for which he shall be punished by a fine not less than Fifty (\$50.00) Dollars nor more than Two Hundred-Fifty (250.00) Dollars.

Section 18-24-7. Payment of Fines

All fines and penalties shall be payable to the Violations Bureau located in the Office of the City Clerk of Fort Wayne, Indiana.

Section 18-24-8. Severability

That if any provision of this ordinance is held to be unconstitutional or otherwise invalidated by a court of competent jurisdiction, the remaining portions of the ordinance shall not be invalidated.

Section 2. That section 18-24 of the Code of the City of Fort Wayne, Indiana is hereby renumbered and reentitled.

Section 18-24-A. Noise General

Section 3. That the record and those unnumbered subparagraphs of Section 18-24 of the Code of the City of Fort Wayne, Indiana of 1974 are hereby repealed.

Section 4. That this ordinance shall be in full force and effect from and after its passing and approval by the Mayor and legal publication thereof.

COUNCILMAN

APPROVED AS TO FORM AND
LEGALITY July 22, 1980

ATTORNEY for the COMMON
COUNCIL of the City of
Fort Wayne.

1 BILL NO. G-80-07-19 AS AMENDED *as amended*

2 GENERAL ORDINANCE NO. G-80

3 AN ORDINANCE amending Section 18-24

4 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
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9 thereto a new section 18-24-B which shall ~~be recorded~~ *read* as follows,
10 to wit:

11 Section 18-24-B. Noise Vehicular

12 Section 18-24-B-1. Scope

13 This subsection shall apply to the control of all noise caused
14 by light motor vehicles and originating within the limits of
15 the City of Fort Wayne, Indiana.

16 Section 18-24-B-2. Definitions

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- 23 b. DECIBEL (db): A unit for measuring the volume of a
24 sound, equal to 20 times the logarithm to the base 10
25 of the ratio of the pressure of the sound measured to
26 the reference pressure, which is 20 micropascals
27 (20 micronewtons per square meter).
- 28 c. LIGHT-MOTOR VEHICLES: Any automobile, van, motorcycle,
29 motor driven cycle, motorscooter, dune buggy, snow-
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31 trail bikes, and trucks with gross vehicular weight
of less than 8,000 pounds.
- 32 d. MODIFIED AND DEFECTIVE EXHAUST SYSTEMS: An exhaust
system in which the original noise abatement devices
have been physically altered causing them to be less
effective in reducing noise as their original devices,
or devices have been added to the original noise
abatement devices such that noise levels are increased.
- e. NOISE LEVEL: The A-Weighted sound level produced by a
motor vehicles.

- 1 f. PERSON: Any individual, association, partnership or
2 corporation which includes any officer, employee,
3 department, agency or instrumentality.
- 4 g. SOUND LEVEL METER: An instrument which includes a
5 microphone, amplifier, RMS detector, integrator or
6 time averager, output meter, and weighting networks
7 used to measure sound pressure levels. Such
8 instrument shall be used for measurement of the
9 intensity of sound and calibrated in decibels as
10 standardized by the American National Standards
11 Institute (ANSI). Readings shall be made on a db (A)
12 scale.
- 13 h. TRAFFIC NOISE: Sound made by a motor vehicle operated
14 either on the public right-of-way or private property.

15 All definitions and terminology used in this code not defined
16 above, shall be defined in conformance with, and applicable pub-
17 lication of the American National Standards Institute (ANSI),
18 or its successor body.

19 Section 18-24-B-3. Noise Limit

20 It shall be unlawful for any person to cause noise levels from
21 the operation or use of lightmotor vehicles in excess of 80 ⁹³ dB
22 (A) in any area within the corporate limits of the City of Fort
23 Wayne, Indiana, at any time. Such noise level limit shall be
24 measured on a distance of not less than fifteen (15) feet from
25 the noise source.

26 Section 18-24-B-4. Excessive Noise

27 It shall be unlawful for any person to operate, cause to oper-
28 ate or use a light motor vehicle such as to cause excessive
29 noise levels as a result of a defective or modified exhaust
30 system, or as a result of unnecessary rapid acceleration, de-
31 celeration, revving or tire squeal, or as the result of the
32 operation of audio devices such as but not limited to radios,
phonographs, and tape players on or from such vehicle.

Section 18-24-B-5. Exemptions

The following are exempted from the provisions of this section:

- 31 a. Sound emitted from sirens of authorized emergency
32 vehicles;
- b. Lawnmowers, garden tractors, and similar home power
tools when properly muffled.
- c. Burglar alarms on light motor vehicles of the elec-
tronic signaling type which transmit an audible
signal to a receiver which can be carried by the

owner or operator of the vehicle; and

- d. Celebrations on Halloween and legal holidays and celebrations in connection with duly authorized parades.

Section 18-24-B-6. Prosecution

- a. In any criminal prosecution for a violation of this Section, the Court may admit evidence of a noise level as tested by an sound level meter which meets or exceeds the American National Standards Institute (AMSI) specifications for type II equipment. A person shall be found guilty of violation of this Section for the emission of the excessive noise from or on any motor vehicle source in excess of the limitations established herein.
- b. It shall be unlawful for any person to violate the provisions of this Ordinance. Whenever any police officer makes an arrest for violation of this ordinance he shall take down the name, address, operator's license number and registration number of the vehicle if readily available and shall issue to the the alleged violator in writing on the form provided by the City Clerk, a citation that the alleged violator shall have a period of seven (7) days from the issuance of such written notice to remedy the source of the excessive noise and have such noise source as so remedied inspected at the Police Garage of the City of Fort Wayne, Indiana by a duly authorized person. Failure to comply with said citation shall render such person guilty of a violation, for which he shall be punished by a fine not less than Fifty (\$50.00) Dollars nor more than Two Hundred-Fifty (250.00) Dollars.

Section 18-24-7. Payment of Fines

All fines and penalties shall be payable to the Violations Bureau located in the Office of the City Clerk of Fort Wayne, Indiana.

Section 18-24-8. Severability

That if any provision of this ordinance is held to be unconstitutional or otherwise invalidated by a court of competent jurisdiction, the remaining portions of the ordinance shall not be invalidated.

~~Section 2. That section 18-24 of the Code of the City of Fort Wayne, Indiana is hereby renumbered and reentitled.~~

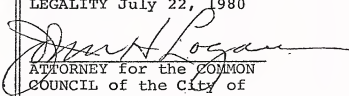
Section 18-24-A. Noise General

~~Section 3. That the record and those unnumbered subparagraphs of Section 18-24 of the Code of the City of Fort Wayne, Indiana of 1974 are hereby repealed.~~

1 Section 3. ~~that~~ ^{that (to) be} this ordinance shall be in full force and
2 and effect, from and after its passing ^{by} and approval by the Mayor
3 and legal publication thereof.
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COUNCILMAN

9 APPROVED AS TO FORM AND
10 LEGALITY July 22, 1980

11 
12 ATTORNEY for the COMMON
13 COUNCIL of the City of
14 Fort Wayne.
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BILL NO. G-80-07-19 (as amended) (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending Section 18-24

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE ~~DO~~ DO PASS.

BEN EISBART, CHAIRMAN

JOHN NUCKOLS, VICE CHAIRMAN

JAMES S. STIER

SAMUEL J. TALARICO

DONALD J. SCHMIDT

[Signature]
[Signature]

[Signature]
[Signature]

7-22-80
DATE CONCURRED IN
 CHARLES W. WESTERMAN, CITY CLERK

Notice is hereby given that on the 22nd day of July, 1980, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-80-19 (as amended) (as amended) - General Ordinance No. G-13-80.

BILL NO. G-80-0719 AS AMENDED (as amended)
GENERAL ORDINANCE NO. G-13-80

AN ORDINANCE amending Section 18-24-
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Chapter 18 of the Code of the City of Fort Wayne, Indiana of 1974 is hereby amended by adding thereto a new section 18-24-B which shall read as follows, to wit:

Section 18-24-B, Noise Vehicular

Section 18-24-B-1. Scope
This subsection shall apply to the control of all noise caused by light motor vehicles and originating within the limits of the City of Fort Wayne, Indiana.

Section 18-24-B-2. Definitions
For the purposes of this subsection, the following definitions apply:

a. A WEIGHTED SOUND LEVEL:
The sound pressure level in decibels as measured on a sound level meter using the A-Weighting network. The level so read is designated as (A) or dBA.

b. DECIBEL (dB): A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 microwebers per square meter).

c. LIGHT-MOTOR VEHICLES: Any automobile, van, motorcycle, motor driven cycle, motor scooter, dune buggy, snowmobile, all terrain vehicles, go carts, minibikes, trail bikes, and trucks with gross vehicular weight of less than 6,000 pounds.

d. MODIFIED AND DEFECTIVE EXHAUST SYSTEMS: An exhaust system in which the original noise abatement devices have been physically altered causing them to be less effective in reducing noise as their original devices, or devices have been added to the original noise abatement devices such that noise levels are increased.

e. NOISE LEVEL: The A-Weighted sound level produced by a motor vehicle.

f. PERSON: Any individual, association, partnership or corporation which includes any officer, employee, department, agency or instrumentality.

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h. TRAFFIC NOISE: Sound made by a motor vehicle operated either on the public right-of-way or private property.

All definitions and terminology used in this code not defined above, shall be defined in conformance with, and applicable publication of the American National Standards Institute (ANSI), or its successor body.

Section 18-24-B-3. Noise Limit
It shall be unlawful for any person to cause noise levels from the operation or use of lightmotor vehicles in excess 80 dB (A) in any area within the corporate limits of the City of Fort Wayne, Indiana, at any time. Such noise level limit shall be measured on a distance of not less than fifteen (15) feet from the noise source.

Section 18-24-B-4. Excessive Noise
It shall be lawful for any person to operate, cause to operate or use a light motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or lree squeal, or as the result of the operation of audio devices such as but not limited to radios, phonographs, and tape players or from such vehicle.

Section 18-24-B-5. Exemptions
The following are exempted from the provisions of this section:

a. Sound emitted from sirens of authorized emergency vehicles.

Noise Ordinance

BILL NO. G-80-07-19 AS AMENDED (*as amended*)

GENERAL ORDINANCE NO. G-~~88~~ 13-80

AN ORDINANCE amending Section 18-24

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12 scale.
- 13 h. TRAFFIC NOISE: Sound made by a motor vehicle operated
14 either on the public right-of-way or private property.

15 All definitions and terminology used in this code not defined
16 above, shall be defined in conformance with, and applicable pub-
17 lication of the American National Standards Institute (ANSI),
18 or its successor body.

19 Section 18-24-B-3. Noise Limit

20 It shall be unlawful for any person to cause noise levels from
21 the operation or use of lightmotor vehicles in excess of 83 dB
22 (A) in any area within the corporate limits of the City of Fort
23 Wayne, Indiana, at any time. Such noise level limit shall be
24 measured on a distance of not less than fifteen (15) feet from
25 the noise source.

26 Section 18-24-B-4. Excessive Noise

27 It shall be unlawful for any person to operate, cause to oper-
28 ate or use a light motor vehicle such as to cause excessive
29 noise levels as a result of a defective or modified exhaust
30 system, or as a result of unnecessary rapid acceleration, de-
31 celeration, revving or tire squeal, or as the result of the
32 operation of audio devices such as but not limited to radios,
phonographs, and tape players on or from such vehicle.

Section 18-24-B-5. Exemptions

The following are exempted from the provisions of this section:

- a. Sound emitted from sirens of authorized emergency
vehicles;
- b. Lawnmowers, garden tractors, and similar home power
tools when properly muffled.
- c. Burglar alarms on light motor vehicles of the elec-
tronic signaling type which transmit an audible
signal to a receiver which can be carried by the

owner or operator of the vehicle; and

- d. Celebrations on Halloween and legal holidays and celebrations in connection with duly authorized parades.

Section 18-24-B-6. Prosecution

- a. In any criminal prosecution for a violation of this Section, the Court may admit evidence of a noise level as tested by a sound level meter which meets or exceeds the American National Standards Institute (ANSI) specifications for type II equipment. A person shall be found guilty of violation of this Section for the emission of the excessive noise from or on any motor vehicle source in excess of the limitations established herein.
- b. It shall be unlawful for any person to violate the provisions of this Ordinance. Whenever any police officer makes an arrest for violation of this ordinance he shall take down the name, address, operator's license number and registration number of the vehicle if readily available and shall issue to the alleged violator in writing on the form provided by the City Clerk, a citation for a violation of this ordinance.

Upon conviction of violation of this ordinance the violator shall be punished by a fine not less than Fifty (\$50.00) Dollars nor more than Two Hundred-Fifty (\$250.00) Dollars.

Section 18-24-7.4. Payment of Fines.

All fines and penalties shall be payable to the Violations Bureau located in the Office of the City Clerk of Fort Wayne, Indiana.

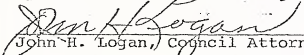
Section 18-24-8. Severability

If any provision of this ordinance is held to be unconstitutional or otherwise invalidated by a court of competent jurisdiction, the remaining portions of the ordinance shall not be invalidated.

Section 3. This ordinance shall be in full force and effect thirty days from and after its passage, approval by the Mayor and legal publication thereof.

Councilman

Approved as to form and legality


John H. Logan, Council Attorney

DIGEST SHEET

(as amended)
(as amended)
2-80-07-19

TITLE OF ORDINANCE: Amend City Code, Section 18-24 Noise

DEPARTMENT REQUESTING ORDINANCE: Mayor's Office

SYNOPSIS OF ORDINANCE: The attached proposed ordinance amends Section 18-24
Noise by repealing paragraphs 2 and 6 and subsection a,b, and c, and adds
a new Section 18-24-B which specifically addresses light motor vehicle
noise. This ordinance specifically defines the level of noise which will
be allowed, the means by which such noise levels will be monitored, and
the enforcement procedures.

EFFECT OF PASSAGE: Adoption of the ordinance (along with the acquisition of
the appropriate noise monitoring equipment) will provide an effective means
for light motor vehicle noise to be monitored and controlled.

EFFECT OF NON-PASSAGE: A continuation of the existing situation whereby monitoring
and control of light motor vehicle noise is virtually unenforceable.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): None

ASSIGNED TO COMMITTEE: Regulations



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

charles w. westerman, clerk -- room 122

July 31, 1980

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of
August 4 and August 11, 1980, in both the News Sentinel
and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-80-07-19
(as amended) (as amended)
General Ordinance No. G-13-80

Please send us(5) five copies of the Publisher's Affidavit
from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

Regarding Bill No. G-80-07-19 (AS AMENDED) (AS AMENDED)
GENERAL ORDINANCE NO. G-13-80

Misprint--

Section 18-24-B-4 Excessive Noise

Typed in the paper: It shall be lawful

Should read: It shall be unlawful

See attached ordinance as submitted to the paper. See page 2

Thank you.

This ordinance has to be published in the paper twice corrected.

LEGAL NOTICE

Notice is hereby given that on the 22nd day of July, 1980, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-80-07-19 (as amended) (as amended) - General Ordinance No. G-13-80

BILL NO. G-80-07-19 AS AMENDED (*as amended*)

GENERAL ORDINANCE NO. G-~~22~~ *13-80*

AN ORDINANCE amending Section 18-24

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Chapter 18 of the Code of the City of Fort Wayne, Indiana of 1974 is hereby amended ~~by adding thereto~~ by adding thereto a new section 18-24-B which shall read as follows, to wit: ~~on 18-24-B which shall be recorded as follows,~~

Section 18-24-B. Noise Vehicular

Section 18-24-B-1. Scope

This subsection shall apply to the control of all noise caused by light motor vehicles and originating within the limits of the City of Fort Wayne, Indiana.

Section 18-24-B-2. Definitions

For the purposes of this subsection, the following definitions apply:

- a. A-WEIGHTED SOUND LEVEL: The sound pressure level in decibels as measured on a sound level meter using the A-Weighting network. The level so read is designated db (A) or dBA.
- b. DECIBEL (db): A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
- c. LIGHT-MOTOR VEHICLES: Any automobile, van, motorcycle, motor driven cycle, motorscooter, dune buggy, snowmobile, all terrain vehicles, go carts, minibikes, trail bikes, and trucks with gross vehicular weight of less than 8,000 pounds.
- d. MODIFIED AND DEFECTIVE EXHAUST SYSTEMS: An exhaust system in which the original noise abatement devices have been physically altered causing them to be less effective in reducing noise as their original devices, or devices have been added to the original noise abatement devices such that noise levels are increased.
- e. NOISE LEVEL: The A-Weighted sound level produced by a motor vehicles.

Mayor and legal publication thereof.

27

28

Ben A. Eisbart
Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine

Burns, Eisbart, GiaQuinta, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Stier, Talarico

Nays: None

Date: 7-22-80

Charles W. Westerman
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-13-80 on the 22nd day of July, 1980.

ATTEST:

(SEAL)

Charles W. Westerman
City Clerk

Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman
City Clerk

Approved and signed by me this 29th day of July, 1980, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Councilman

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-13-80 passed by the Common Council on the 22nd day of July, 19 80, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of July, 19 80 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of July, 19 80.

SEAL

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Fort Wayne Common Council

To JOURNAL-GAZETTE Dr.

(Governmental Unit)

Allen

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

232

2

234

Notice is hereby given that on the 22nd day of July, 1980, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-80-0719 (as amended) (as amended) General Ordinance No. G-13-80.

BILL NO. G-80-0719 AS AMENDED (as amended) GENERAL ORDINANCE NO. G-13-80.

AN ORDINANCE amending Section 18-24 of the COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA.

Section 1. That Chapter 18 of the Code of the City of Fort Wayne, Indiana of 1974 is hereby amended by adding thereto a new section 18-24-B which shall read as follows, to wit:

Section 18-24-B. Noise: Vehicular. This subsection shall apply to the control of all noise caused by light motor vehicles and originating within the limits of the City of Fort Wayne, Indiana.

Section 18-24-B.2. Definitions. For the purposes of this subsection, the following definitions apply: a. A WEIGHTED SOUND LEVEL. The sound pressure level in decibels as measured on a sound level meter using the A-Weighting network. The level so read is designated db (A) or dBA.

b. DECIBEL (dB): A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 microwatts per square meter).

c. LIGHT MOTOR VEHICLES: Any automobile, van, motorcycle, motor driven cycle, motorcoaster, drive buggy, snowmobile, all terrain vehicles, go carts, minibikes, trail bikes, and trucks with gross vehicle weight of less than 8,000 pounds.

d. MODIFIED AND DEFECTIVE EXHAUST SYSTEMS. An exhaust system in which the original noise abatement devices have been physically altered causing them to be less effective in reducing noise as their original devices, or devices have been added to the original noise abatement devices such that noise levels are increased.

e. NOISE LEVEL. The A-Weighted sound level produced by a motor vehicle.

f. PERSON. Any individual, association, partnership or corporation which includes any officer, employee, agent, partner, agency or instrumentality.

g. SOUND LEVEL METER. An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output meter, and weighting networks used to measure sound pressure levels. Such instrument shall be used for measurement of the intensity of sound and calibrated according to standards by the American National Standards Institute (ANSI).

h. SCALE. The sound level shall be made on a db (A) scale.

i. TRAFFIC NOISE. Sound made by a motor vehicle operated either on the public right-of-way or private property.

All definitions and terminology used in this code not defined above shall be defined in conformance with, and applicable publication of, and applicable publication of, the American National Standards Institute (ANSI), or its successor body.

Section 18-24-B.3. It shall be unlawful for any person to cause noise levels from the operation of light motor vehicles in excess of 83 db (A) in any area within the corporate limits of the City of Fort Wayne, Indiana, at any time. Such noise level limit shall be measured at a distance of not less than fifteen (15) feet from the noise source.

Section 18-24-B.4. Excessive Noise. It shall be unlawful for any person to cause to operate or use a light motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal, or as the result of the operation of audio devices such as but not limited to radios, phonographs, and tape players or from such vehicle.

Section 18-24-B.5. Exemptions. The following are exempted from the provisions of this section:

a. Sound emitted from sirens of authorized emergency vehicles.

b. Lawnmowers, garden tractors, and similar home power tools when properly muffled.

c. Burglar alarms on light motor vehicles of the electronic signaling type which transmit an audible signal to a receiver which can be carried by the owner or operator of the vehicle; and

d. Celebrations on Halloween and legal holidays and celebrations in connection with duly authorized parades.

Section 18-24-B.6. Prosecution. a. In any criminal prosecution for a violation of this Section, the Court may admit evidence of a noise level as tested by a sound level meter which meets or exceeds the American National Standards Institute (ANSI) specifications for type II equipment. A person shall be found guilty of violation of this Section for the emission of the excessive noise from or on any motor vehicle source in excess of the limitations established herein.

b. It shall be unlawful for any person to violate the provisions of this Ordinance. Whenever any police officer makes an arrest for violation of this ordinance he shall take down the name, address, operator's license number and registration number of the vehicle if readily available and shall issue to the alleged violator in writing on the form provided by the City Clerk, a citation for a violation of this ordinance.

Upon conviction of violation of this ordinance the violator shall be punished by a fine not less than Fifty (\$50.00) Dollars nor more than Two Hundred Fifty (\$250.00) Dollars.

Section 18-24.7. Payment of Fines. All fines and penalties shall be payable to the Violations Bureau located in the Office of the City Clerk of Fort Wayne, Indiana.

Section 18-24.8. Severability. If any provision of this ordinance is held to be unconstitutional or otherwise invalidated by a court of competent jurisdiction, the remaining portions of the ordinance shall not be invalidated.

Section 3. This ordinance shall be in full force and effect thirty days from and after its passage, approval by the Mayor and legal publication thereof.

BEN A. EISBART
Councilman
Read the third time in full and on motion by Eisbart, seconded by Slier, and duly adopted, placed on its passage.

PASSED by the following vote:
Ayes: Nine. Burns, Eisbart, Gier, Quintz, Nuckolls, D. Schmidt, V. Schmidt, Schomburg, Slier, Talafico.
Nays: None.
Date: 7-22-80

Charles W. Westerman
City Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-13-80 on the 22nd day of July, 1980.

ATTEST: (SEAL)
Charles W. Westerman
City Clerk
Vivian G. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 22nd day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.
Charles W. Westerman
City Clerk

Approved and signed by me this 22nd day of July, 1980 at the hour of 2:00 o'clock P.M., E.S.T.
Win Moses, Jr.
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, hereby certify that the above and foregoing is a full, true and complete copy of the Ordinance No. G-13-80 passed by the Common Council on the 22nd day of July, 1980, and that said Ordinance was duly signed and approved by the Mayor on the 22nd day of July, 1980 and now on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of July, 1980.
CHARLES W. WESTERMAN
CITY CLERK

8/11/80

8/11/80

8/11/80

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8/11/80

ns wide equals 234 equivalent lines at .253¢ \$ 59.20

cor tabular work (50 per cent of above amount)

nts for each proof in excess of two) 3 extra 1.50

\$ 60.70

Size of type. 6 point

Size of quad upon which type is cast. 6

it, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

Arvilla DeWald

Title. CLERK

PUBLISHER'S AFFIDAVIT

ana
any SS:

appeared before me, a notary public in and for said county and state, the

ARVILLA DEWALD who, being duly sworn, says

CLERK

of the

JOURNAL-GAZETTE

DAILY newspaper of general circulation printed and published

lish language in the city of FORT WAYNE, INDIANA

town

and country aforesaid, and that the printed matter attached hereto is a true copy, duly published in said paper for two times, the dates of publication being

8/11 - 8/18/80

Arvilla DeWald

and sworn to before me this 18th day of August 1980

Notary Public

My commission expires September 28, 1983

Fort Wayne Common Council

To JOURNAL-GAZETTE Dr.

(Governmental Unit)

Allen

Country, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

232

2

234

COMPUTATION OF CHARGES

234 lines, 1 columns wide equals 234 equivalent lines at .253¢ \$ 59.20
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 3 extra 1.50

TOTAL AMOUNT OF CLAIM.

\$ 60.70

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Date Aug. 18 19 80

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of theJOURNAL-GAZETTEDAILYa newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town ofin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

8/11 - 8/18/80

Subscribed and sworn to before me this 18th day of August 19 80

My commission expires September 28, 1983

Notary Public

Arvilla DeWald

Drum type Amer. cars and most light trucks. install factory pre-arranged linings, new pads and return springs/combi kits: all four wheel cylinders and resur- bed; repack front wheel bearing, system, inspect master cylinder, take linings, add fluid, road test. \$23.95 EACH INSTALLED Warranted shocks CNROF's

Air Conditioning Service

Notice is hereby given that on the 22nd day of July, 1960, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-80-0719 (as amended) (as amended) - General Ordinance No. G-12-80.
BILL NO. G-80-0719 AS AMENDED (as amended)
GENERAL ORDINANCE NO. G-12-80

AN ORDINANCE amending Section 18-24

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Chapter 18 of the Code of the City of Fort Wayne, Indiana of 1974 is hereby amended by adding thereto a new section 18-24-B which shall read as follows, to wit: Section 18-24-B. Noise Vehicular Section 18-24-B-1. Scope.

This subsection shall apply to the control of all noise caused by light motor vehicles and originating within the limits of the City of Fort Wayne, Indiana.

Section 18-24-B-2. Definitions For the purposes of this subsection, the following definitions apply:

a. A-WEIGHTED SOUND LEVEL: The sound pressure level in decibels as measured on a sound level meter using the A-Weighting network. The level so read is designated db (A) or dBA.

b. DECIBEL (db): A unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 microwatts per square meter).

c. LIGHT-MOTOR VEHICLES: Any automobile, van, motorcycle, motor driven cycle, motor scooter, dune buggy, snowmobile, all terrain vehicles, go carts, minibikes, trail bikes, and trucks with gross vehicle weight of less than 8,000 pounds.

d. MODIFIED AND DEFECTIVE EXHAUST SYSTEMS: An exhaust system in which the original noise abatement devices have been physically altered causing them to be less effective in reducing noise as their original devices, or devices have been added to the original noise abatement devices such that noise levels are increased.

e. NOISE LEVEL: The A-Weighted sound level produced by a motor vehicle.

f. PERSON: Any individual, association, partnership or corporation which includes any officer, employee, department, agency or instrumentality.

g. SOUND LEVEL METER: An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. Such instrument shall be used for measurement of the intensity of sound and calibrated in decibels as standardized by the American National Standards Institute (ANSI).

Readings shall be made on a db (A) scale.

h. TRAFFIC NOISE: Sound made by a motor vehicle operated either on the public right-of-way or private property.

All definitions and terminology used in this code not defined above, shall be defined in conformance with, and applicable publication of the American National Standards Institute (ANSI), its successor body.

Section 18-24-B-3. Noise Limit It shall be unlawful for any person to cause noise levels from the operation or use of lightmotor vehicles in excess of db (A) in any area within the corporate limits of the City of Fort Wayne, Indiana, at any time. Such noise level limit shall be measured on a distance of not less than fifteen (15) feet from the noise source.

Section 18-24-B-4. Excessive Noise It shall be unlawful for any person to operate, cause to operate or use a light motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or fire squeal, or as the result of the operation of audio devices such as but not limited to radios, phonographs, and tape players or from such vehicle.

Section 18-24-B-5. Exemptions The following are exempted from the provisions of this section:

Accounts

Common Council

Unit)

County, Ind.

General Form No. 99 P (Rev. 1967)

To..... JOURNAL-GAZETTE..... Dr.

FORT WAYNE, INDIANA.....

PUBLISHER'S CLAIM

must not exceed two actual lines, neither of which shall total more than four solid lines in which the body of the advertisement is set) - number of equivalent lines

of lines

of lines

of lines

number of lines in notice

232

2

234

property, department, agency or individual.

g. SOUND LEVEL METER: An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. Such instrument shall be used for measurement of the intensity of sound and calibrated in decibels as standardized by the American National Standards Institute (ANSI). Readings shall be made on a dB (A) scale.

h. TRAFFIC NOISE: Sound made by a motor vehicle operated either on the public right-of-way or private property.

All definitions and terminology used in this code not defined above, shall be defined in conformance with, and applicable publication of the American National Standards Institute (ANSI), or its successor body.

Section 18-24-B.3. Noise Limit

It shall be unlawful for any person to cause noise levels from the operation or use of lightmotor vehicles in excess of 83 dB (A) in any area within the corporate limits of the City of Fort Wayne, Indiana, at any time. Such noise level limit shall be measured on a distance of not less than fifteen (15) feet from noise source.

Section 18-24-B.4. Excessive Noise

It shall be unlawful for any person to operate, cause to operate or use a light motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal, or as the result of the operation of audio devices such as but not limited to radios, phonographs, and tape players or from such vehicle.

Section 18-24-B.5. Exemptions

The following are exempted from the provisions of this section:

a. Sound emitted from sirens of authorized emergency vehicles;

b. Lawnmowers, garden tractors, and similar home power tools when properly muffled;

c. Burglar alarms on light motor vehicles of the electronic signaling system which transmit an audible signal to a receiver which can be carried by the owner or operator of the vehicle; and

d. Celebrations on Halloween and legal holidays, and celebrations in connection with duly authorized parades.

Section 18-24-B.4. Prosecution

In any criminal prosecution for a violation of this Section, the Court may admit evidence of a noise level as tested by a sound level meter which meets or exceeds the American National Standards Institute (ANSI) specifications for type II equipment. A person shall be found guilty of violation of this Section for the emission of the excessive noise from or on any motor vehicle source in excess of the limitations established herein.

b. It shall be unlawful for any person to violate the provisions of this Ordinance. Whenever any police officer makes an arrest for violation of this ordinance he shall take down the name, address, operator's license number and registration number of the vehicle if readily available and shall issue to the alleged violator in writing on the form provided by the City Clerk, a citation for a violation of this ordinance.

Upon conviction of violation of this ordinance the violator shall be punished by a fine not less than Fifty (\$50.00) Dollars nor more than Two Hundred-Fifty (\$250.00) Dollars.

Section 18-24-7. Payment of Fines

All fines and penalties shall be payable to the Violations Bureau located in the Office of the City Clerk of Fort Wayne, Indiana.

Section 18-24-8. Severability

If any provision of this ordinance is held to be unconstitutional or otherwise invalidated by a court of competent jurisdiction, the remaining portions of the ordinance shall not be invalidated.

Section 3. This ordinance shall be in full force and effect thirty days from and after its passage, approval by the Mayor and legal publication thereof.

BENA EISBART

Councilman

Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage.

PASSED by the following vote:

Ayes: Nims, Burns, Eisbart, Glavin, Quinte, Nuckels, D. Schmidt, V. Schmidt, Schomburg, Stier, Talafico.

Days: None.

Date: 7-22-80

Charles W. Westerman

City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-13-80 on the 22nd day of July, 1980.

ATTEST: (SEAL)

Charles W. Westerman

City Clerk

Vivian G. Schmidt

Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman

City Clerk

Approved and signed by me this 29th day of July, 1980 at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.

Councilman

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-13-80 passed by the Common Council on the 22nd day of July, 1980, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of July, 1980 and now remains on file and on record in my office.

WITNESS my hand, and of the official seal of the City of Fort Wayne, Indiana, this 29th day of July, 1980.

CHARLES W. WESTERMAN

CITY CLERK

8/11 8/18

of Accounts

Common Council

(Unit)

County, Ind.

General Form No. 99 P (Rev. 1967)

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

Must not exceed two actual lines, neither of which shall total more than four solid lines in which the body of the advertisement is set) - number of equivalent lines

of lines

of lines

of lines

number of lines in notice

1

234

.2534

\$ 59.20

per line

for notices containing rule or tabular work (50 per cent of above amount)

3 extra

1.50

proofs of publication (50 cents for each proof in excess of two)

60.70

AMOUNT OF CLAIM.

\$

OST

column 9.6 pica

Size of type. 6 point

2

Size of quad upon which type is cast. 6

enalties of Ch. 89., Acts 1967.

ing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

Arvilla DeWald

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned, ARVILLA DEWALD, who, being duly sworn, says

that she is, CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being

as follows:

8/11 - 8/18/80

Subscribed and sworn to before me this 18th day of August 19 80

Arvilla DeWald

Notary Public

My commission expires September 28, 1983

Fort Wayne Common CouncilTo JOURNAL-GAZETTE Dr.

(Governmental Unit)

Allen

County, Ind.

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines _____

Head number of lines _____

Body number of lines _____

Tail number of lines _____

Total number of lines in notice _____

232**2****234****COMPUTATION OF CHARGES**

234 lines, **1** columns wide equals **234** equivalent lines at **.253¢** \$ **59.20**
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount) _____

Charge for extra proofs of publication (50 cents for each proof in excess of two) **3 extra** _____

TOTAL AMOUNT OF CLAIM. _____

1.50**60.70****DATA FOR COMPUTING COST**

Width of single column 9.6 picas

Size of type 6 pointNumber of insertions **2**Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date **Aug. 13** 19 **80**Title CLERK**PUBLISHER'S AFFIDAVIT**

State of Indiana

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FORT WAYNE, INDIANA

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Width of single column 9.6 picas

Size of type 6 point

the following Bill No. G-80-07-19 (as amended) (as amended) General Ordinance No. G-13-80

BILL NO. G-80-0719 A-5 AMENDED (as amended) GENERAL ORDINANCE NO. G-13-80

AN ORDINANCE amending Section 18-24 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Chapter 18 of the Code of the City of Fort Wayne, Indiana of 1974 is hereby amended by adding thereto a new section 18-24-B which shall read as follows, to wit:

Section 18-24-B. Noise Vehicular Section 18-24-B.1. Scope.

This subsection shall apply to the control of all noise caused by light motor vehicles and originating within the limits of the City of Fort Wayne, Indiana.

Section 18-24-B.2. Definitions.

For the purposes of this subsection, the following definitions apply: a. A-WEIGHTED SOUND LEVEL. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB (A) or dBA.

b. DECIBEL (db): A unit for measuring the volume of a sound, equal to 10 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 microwatts per square meter).

c. LIGHT-MOTOR VEHICLES: Any automobile, van, motorcycle, motor driven cycle, motor scooter, dune buggy, snowmobile, all terrain vehicles, go carts, minibikes, trail bikes, or cars with gross vehicle weight of less than 8,000 pounds.

d. MODIFIED AND DEFECTIVE EXHAUST SYSTEMS: An exhaust system in which the original noise abatement devices have been physically altered causing them to be less effective in reducing noise as their original devices, or devices have been added to the original noise abatement devices such that noise levels are increased.

e. NOISE LEVEL: The A-Weighted sound level produced by a motor vehicle.

f. PERSON: Any individual, association, partnership or corporation which includes any officer, employee, department, agency or instrumentality.

g. SOUND LEVEL METER: An instrument which averages a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels. Such instrument shall be used for measurement of the intensity of sound and calibrated in decibels as standardized by the American National Standards Institute.

on the public right-of-way or private property.

All definitions and terminology used in this code not defined above, shall be defined in conformance with the applicable publication of the American National Standards Institute (ANSI), or its successor body.

Section 18-24-B.3. Noise Limit. It shall be unlawful for any person to cause noise levels from the operation or use of light-motor vehicles in excess of 83 dB (A) in any area within the corporate limits of the City of Fort Wayne, Indiana, at any time. Such noise level limit shall be measured on a distance of not less than fifteen (15) feet from the noise source.

Section 18-24-B.4. Excessive Noise.

It shall be unlawful for any person to operate, cause to operate or use a light-motor vehicle such as to cause excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal, or as the result of the operation of audio devices such as but not limited to radios, phonographs, and tape players or from such vehicle.

Section 18-24-B.5. Exemptions.

The following are exempted from the provisions of this section:

a. Sound emitted from sirens of authorized emergency vehicles;

b. Lawnmowers, garden tractors, and similar home power tools when properly maintained;

c. Burglar alarms on light motor vehicles of the electronic signaling type which transmit an audible signal to a receiver which can be carried by the owner or operator of the vehicle; and

d. Celebrations on Halloween and legal holidays and celebrations in connection with duly authorized parades.

Section 18-24-B.6. Prosecution.

a. In any criminal prosecution for a violation of this Section, the Court may admit evidence of a noise level as tested by a sound level meter which meets or exceeds the American National Standards Institute (ANSI) specifications for type 1 equipment. A person shall be found guilty of violation of this Section for the emission of the excessive noise from or on any motor vehicle source in excess of the limitations established.

b. It shall be unlawful for any person to violate the provisions of this Ordinance. Whenever any police officer makes an arrest for violation of this Ordinance he shall take down the name, address, operator's license number and registration number of the vehicle if readily available and shall issue to the alleged violator in writing on the form provided by the City Clerk, a citation for a violation of this Ordinance.

Upon conviction of violation of this Ordinance the violator shall be punished by a fine not less than Fifty (\$50.00) Dollars nor more than Two

Hundred Fifty (\$250.00) Dollars.

Section 18-24.7. Payment of Fines. All fines and penalties shall be payable to the Violations Bureau located in the Office of the City Clerk of Fort Wayne, Indiana.

Section 18-24.8. Severability.

If any provision of this Ordinance is held to be unconstitutional or otherwise invalidated by a court of competent jurisdiction, the remaining portions of the Ordinance shall not be invalidated.

Section 3. This Ordinance shall be in full force and effect thirty days from and after its passage, approval by the Mayor and legal publication thereof.

BENA EISBART Councilman

Read the third time in full and on motion by Eisbart, seconded by Sliter, and duly adopted, placed on its passage.

PASSED BY THE FOLLOWING: Ayes: Nine: Burns, Eisbart, Glo Quintz, Nuckols, D. Schmidt, V. Schmidt, Schomburg, Sliter, Talarrico.

Nays: None.

Date: 7-22-80.

Charles W. Westerman City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-13-80 on the 22nd day of July, 1980.

ATTEST: (SEAL)

Charles W. Westerman City Clerk

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 22nd day of July, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman City Clerk

Approved and signed by me this 29th day of July, 1980 at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr. Councilman

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-13-80 passed by the Common Council on the 22nd day of July, 1980, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of July, 1980 and now remains on file and of record in my office.

WITNESS my hand, and of the official seal of the City of Fort Wayne, Indiana, this 29th day of July, 1980.

CHARLES W. WESTERMAN CITY CLERK

8/11/81

which type is cast 6

legally due, after allowing all just credits, and that no part of the same

D. Roose

Title CLERK

IT

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D. Roose who, being duly sworn, says

CLERK

newspaper of general circulation printed and published

FORT WAYNE, INDIANA

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of two times the dates of publication being

8/80

18th day of August 19 80

number 28, 1983 Notary Public

Port Wayne Common Council

(Governmental Unit)

To NEWS-SENTINEL Dr.**Allen**

County, Ind.

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D. RooseDate Aug. 18, 80Title CLERK**PUBLISHER'S AFFIDAVIT**State of Indiana
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